

Remarks

The Examiner is again thanked for his careful consideration of the present patent application.

In the previously filed Amendment, claim 6 was amended to specify that the content receivable into the memory is associated with at least three levels of content control. Claim 18 likewise was amended to specify that the indicia that is associated with content received by the terminal is representative of one of at least three predetermined levels of control. Similar language was adopted for claims 49 and 51.

The Examiner has maintained the rejection over the Bramhill reference. According to the Examiner, a first level of content control is disclosed at page 11, lines 1-19, wherein the server permits the file to be downloaded only if the client has made payment. Second and third levels of content control are purportedly disclosed at page 16, lines 3-5. Here, Bramhill indicates that the user may be provided with the option to save the document in an unprotected format upon payment of an additional fee larger than that paid to view the image initially. The Examiner reads this as connoting that "prior to the initial payment the content could be save[d] in the protected formats." Thus, the Examiner purports to find three levels of content control.

Applicants respectfully disagree with the Examiner's attempt to read the pending claims on the Bramhill conference. With reference first to claim 6, the claim specifies that "a set of operations of said user interface in relation to said content received into said first memory is permitted by reference to said content." Bramhill does not disclose an apparatus according to claim 6. At page 11, lines 1-19, Bramhill purports to disclose that the server

performs an authentication step ~ "at step S9, the server performs an authentication step in order to determine whether it is safe to download the requested BTC file to the client." Thus, no set of operations is permitted by reference to the content in this instance. Rather the server performs a separate authentication check.

The remaining claims can be distinguished over Bramhill for similar reasons. With respect to claim 18, there is no indicia that is representative of at least one of three predetermined levels of control of the content. Claims 49 and 50 appear to be even further removed. Claim 49 specifies that the user interface is operable to identify indicia associated with the content, and that the indicia signifies one of at least three levels of control. Again, Bramhill's reference to authentication at a remote server is off the mark. There are no indicia representative of multiple levels of control. Claim 51 is likewise patentable over Bramhill, because it specifies that the interface is operable in accordance with an indicia associated with the content received by the terminal.

At least some of the dependent claims are even further removed from Bramhill. Claim 7, for instance, specifies that the user interface is operable to identify the indicia associated with the content. Again, this is inconsistent with Bramhill's approach of using the server to authenticate.

Additionally, some claims specify that the level of control includes not permitting forwarding of the content. The Examiner has conceded that this feature is not shown in Bramhill, but purports to find this feature in Levy (US 2002/0052885). Levy appears to be incompatible with Bramhill. Bramhill appears to be concerned with encrypting the contents of a web page, using a JAVA applet, while Levy is concerned with file-sharing protocols in widely

distributed file sharing systems (Levy mentions Gnutella and Napster as examples). Although both references are concerned generally with protecting rights in content, Bramhill attempts to protect content by limiting the rendering of the content to protected rendering on a web page. Bramhill attempts to prohibit copying and saving of the content (see the paragraph spanning pages 14-15). This is inconsistent with Levy's approach of allowing free sharing of files.

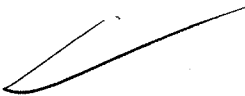
Also, some claims specify a ringtone, which Bramhill does not appear to disclose. The Examiner has found the ringtone to be an "audio file," but audio files are not synonymous with ringtones.

For the above reasons, allowance is respectfully requested.

Respectfully submitted,

Date: January 23, 2009

By: _____


Allen E. Hoover
January 23, 2009
Registration No. 37,354
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Phone: 312-463-5000
Fax: 312-463-5001